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Crime prevention and criminal justice

Implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolutions 64/293 and 65/232. It summarizes the activities of the United Nations Office on Drugs and Crime to support Member States in their efforts to counter transnational organized crime, corruption and terrorism, as well as to prevent crime and reinforce criminal justice systems. The report also refers to developments relating to the governance and financial situation of the United Nations Office on Drugs and Crime. It further includes information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Corruption, as well as emerging policy issues, responses thereto and recommendations aimed at enhancing the United Nations crime prevention and criminal justice programme.

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I. Introduction

1. The present report provides an overview of the efforts undertaken by the United Nations Office on Drugs and Crime (UNODC) to implement the mandates of the United Nations crime prevention and criminal justice programme, as requested by the General Assembly in its resolution 65/232. The report presents measures taken by the Office with respect to different areas of transnational organized crime, as well as crime prevention and criminal justice reform, application of relevant standards and data collection. The report also provides information on implementation by the United Nations system of the United Nations Global Plan of Action to Combat Trafficking in Persons, which was adopted by the General Assembly in its resolution 64/293. Emerging policy issues and possible responses thereto are described, as are developments concerning the governance and financial situation of the Office. The report concludes with a set of recommendations on those issues.

2. In its resolution 65/232, the General Assembly requested or urged UNODC to continue to provide technical assistance to Member States in a number of areas, including the fight against money-laundering and the financing of terrorism and efforts to combat kidnapping and trafficking in firearms. The Assembly reiterated its request to UNODC to enhance its technical assistance to Member States to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism. In addition, the Assembly requested UNODC to continue to provide technical assistance in the areas of the rule of law and crime prevention and criminal justice.

II. Enhancing international cooperation and responses to transnational organized crime

A. Transnational organized crime

3. UNODC promoted the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.[1] During the reporting period, several States ratified the Convention; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, bringing the number of parties to those instruments to 161, 146, 129 and 86, respectively.

4. At its fifth session, held from 18 to 22 October 2010 (see CTOC/COP/2010/17), the Conference of the Parties to the United Nations Convention against Transnational Organized Crime adopted resolutions on the implementation of the Organized Crime Convention and the Protocols thereto (resolutions 5/1, 5/2, 5/3 and 5/4), the review of the implementation of the Organized Crime Convention and the Protocols thereto (resolution 5/5), the

[1] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

implementation of the provisions on technical assistance of the Organized Crime Convention (resolution 5/6), combating transnational organized crime against cultural property (resolution 5/7) and the implementation of the provisions on international cooperation of the Organized Crime Convention (resolution 5/8).

5. UNODC enhanced a computer-based self-assessment tool that will allow States to report on implementation of both the Organized Crime Convention and the United Nations Convention against Corruption.[2] The tool is expected to improve the quality of the information received in order to allow for an efficient review of the implementation of the Organized Crime Convention and the Protocols thereto and for UNODC to better meet the technical assistance needs of States.

6. Pursuant to resolution 5/5 of the Conference of the Parties to the Organized Crime Convention, the open-ended intergovernmental working group on the review of the implementation of the Convention and the Protocols thereto held its first session in Vienna from 17 to 19 May 2011. Participants in the meeting were tasked with preparing terms of reference for a proposed review mechanism or mechanisms, guidelines for governmental experts and a blueprint for the country review reports, for consideration and possible adoption by the Conference of the Parties at its sixth session.

7. In its resolution 5/8, the Conference of the Parties to the Organized Crime Convention emphasized the particular relevance of the Convention as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for purposes of confiscation, and requested the Secretariat to continue to foster international and regional cooperation, including by facilitating the development of regional networks and facilitating cooperation among all such networks. UNODC prepared a catalogue of cases of extradition, mutual legal assistance and other forms of international legal cooperation, which was disseminated at the fifth session of the Conference. An expert group meeting on the digest of transnational organized crime cases was held in May 2011. UNODC has been preparing a handbook on drafting, transmitting and executing requests for extradition and mutual legal assistance, which will also include relevant cases.

8. Furthermore, UNODC participated in and supported meetings of regional networks, including the Conference of Ministers of Justice of the Ibero-American Countries and the regional justice platform of the Indian Ocean Commission.

9. At its third meeting, held during the fifth session of the Conference of the Parties, the Open-ended Interim Working Group of Government Experts on Technical Assistance adopted a number of recommendations endorsed by the Conference. In those recommendations, UNODC was requested to, inter alia, provide technical assistance to help Member States apply the provisions of the Organized Crime Convention to new forms and dimensions of transnational organized crime within the scope of the Convention.

10. UNODC promoted universal ratification and implementation of the Organized Crime Convention and the Protocols thereto and provided technical assistance and capacity-building to support Member States in that regard.

[2] Ibid., vol. 2349, No. 42146.

11. Several new projects were initiated in the area of witness protection. UNODC provided technical assistance to support the placement of a witness protection adviser to the Government of Kenya in order to develop and secure funding for the independent witness protection agency, which was created upon the adoption of an amended witness protection law in 2010. The adviser also provided training in Uganda, in cooperation with the Office of the United Nations High Commissioner for Human Rights, and carried out awareness-raising activities for justice officials from the United Republic of Tanzania. Witness protection capacity assessments were carried out in Ethiopia, Mauritius, Namibia and Rwanda.

12. Based on the witness protection capacity assessment undertaken in 2009, UNODC provided training for officials from Azerbaijan on at-risk witnesses. Advice was provided on the witness protection law and on best practices for establishing and operating a witness protection programme. UNODC further carried out a detailed review of legislation and regulations relating to protection of vulnerable witnesses in Georgia. Two training events were held for officials from the Georgian witness protection authority. UNODC also completed a technical assessment of the response capacity of the Government of Ukraine.

13. Support was provided to States addressing the interlinkages between money-laundering and serious organized crime. UNODC deployed mentors and long-term consultants in Southern Africa, West Africa, South-East Asia and Central Asia to help strengthen asset confiscation procedures, build effective procedures to counter money-laundering and combat the financing of terrorism, and establish financial intelligence units.

14. Financial investigation training courses were given in Bangladesh, Cambodia, the United Republic of Tanzania and Viet Nam, focusing on investigational skills and enhancing working relationships between police and prosecutors. Regional financial intelligence unit courses were given in Fiji, Kazakhstan and Morocco in order to develop knowledge and skills with respect to analysing financial information to detect suspicious transactions related to money-laundering and the financing of terrorism.

15. UNODC provided assistance to develop informal expert networks on asset confiscation, such as the Asset Recovery Inter-Agency Network of Southern Africa and the inter-agency Asset Recovery Network of the Financial Action Task Force of South America against Money Laundering, to assist prosecutors and investigators in the identification, tracing, freezing, seizure, confiscation and recovery of the proceeds of crime. UNODC designed a mock-trial programme to strengthen the capacity of the judiciary in dealing with complex financial crime cases. The training sessions had been developed and offered in Latin America and were adapted and implemented in Cambodia and Kazakhstan in 2010.

B. Countering trafficking in persons and smuggling of migrants

16. UNODC supported more than 80 countries in all regions with technical assistance activities addressing trafficking in persons and the smuggling of migrants, while building regional and interregional responses to both issues. UNODC produced technical publications, including the *Needs Assessment Toolkit on the Criminal Justice Response to Human Trafficking* and the *Basic Training*

Manual on Investigating and Prosecuting the Smuggling of Migrants. UNODC also published the *Toolkit to Combat Smuggling of Migrants*, which showcases promising practices and provides recommendations.

17. To guide lawmakers in complying with relevant international instruments, UNODC produced a Model Law against the Smuggling of Migrants[3] and conducted related legal assessments and drafting workshops.

18. UNODC convened an expert group meeting from 28 to 30 June 2010 on the offence of organ trafficking and its relation to organized crime and trafficking in persons. The expert group examined the modi operandi of traffickers, legal frameworks of Member States, case studies and measures to prevent such crimes, and developed materials to assess organ trafficking.

Implementation by the United Nations system of the United Nations Global Plan of Action to Combat Trafficking in Persons

19. Further to the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons in July 2010, the relevant agencies, funds and programmes of the United Nations system supported Member States in implementing the Trafficking in Persons Protocol and other relevant international instruments. Important examples include the following:

(a) The United Nations Interregional Crime and Justice Research Institute facilitated a memorandum of understanding between the National Anti-Mafia Prosecutor of the National Anti-Mafia Bureau of Italy and the Executive Secretary of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters of Nigeria in December 2010;

(b) The Office of the United Nations High Commissioner for Human Rights (OHCHR) published the *Recommended Principles and Guidelines on Human Rights and Human Trafficking: Commentary*[4] and continued promotion and training activities in this regard;

(c) In September 2010, the United Nations Children's Fund (UNICEF) provided training to combat child trafficking in the South Asia region, utilizing a manual developed by the International Labour Organization (ILO) and UNICEF;

(d) ILO supported the global workers' alliance and the global business alliance against forced labour and human trafficking;

(e) UNODC organized regional workshops on international cooperation in cases of trafficking in persons and smuggling of migrants to strengthen the cooperation between criminal justice officials and the capacity of non-governmental organizations (NGOs) to effectively deal with such cases, ensure the protection of victims and uphold the rights of migrants;

(f) The trafficking statistics project of the United Nations Educational, Scientific and Cultural Organization (UNESCO) supported evidence-based programming within the United Nations system, evaluating the derivation, provenance and quality of frequently cited numbers.

[3] The Model Law, and the publications mentioned in paragraph 16, are available from www.unodc.org.

[4] United Nations publication, Sales No. E.10.XIV.1.

20. The Secretary-General established the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, managed by UNODC. The Trust Fund supports NGOs and other organizations that provide humanitarian, legal and financial aid to trafficking victims. The Board of Trustees endorsed the creation of a small grants facility, which provides cross-border and interregional assistance initiatives and support for remedies for victims of trafficking. A call for proposals was made between March and April 2011. Pledged contributions currently amount to $1,000,000. It is expected that most of the available funds will be disbursed through the small grants facility by September 2011.

21. Relevant entities of the United Nations system and other organizations cooperated through the Inter-Agency Coordination Group against Trafficking in Persons, which launched a joint publication, entitled *An Analytical Review: 10 Years on from the Adoption of the United Nations Trafficking in Persons Protocol* (available from www.unodc.org), in December 2010. The Group met in June 2011 on the margins of the seventeenth session of the Human Rights Council to discuss the protection of victims of trafficking in persons.

22. The Steering Committee members of the Global Initiative to Fight Human Trafficking (UN.GIFT), the International Organization for Migration (IOM), ILO, UNICEF, OHCHR, UNODC and the Organization for Security and Cooperation in Europe implemented joint, multi-stakeholder activities. Members of UN.GIFT developed a strategy for 2011-2015, focusing on knowledge management, strategic support for all stakeholders and the development of a platform for global dialogue.

23. The United Nations system and other international organizations cooperated at the regional level. An open letter was published by OHCHR, UNODC, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF, ILO and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to draw the attention of the European Union and its member States to the importance of providing adequate and free assistance to victims, of not punishing victims and of respecting the principle of non-refoulement. Since 2000, IOM, ILO, OHCHR, UNESCO, UNICEF and UNODC have been working together to coordinate responses to human trafficking in the Greater Mekong subregion within the framework of the United Nations Inter-Agency Project on Human Trafficking.

C. Measures against trafficking in firearms

24. UNODC developed legal and technical tools to assist Member States in implementing the Firearms Protocol, including the guidelines for its implementation. Several expert group meetings for the development of a model law on firearms were held between November 2009 and June 2010. The model law is a technical assistance tool to help Member States to strengthen their domestic legal framework on firearms and bring it in line with the applicable international legal regime.[5]

25. During the reporting period, UNODC carried out awareness-raising and training activities aimed at enhancing the understanding of the international firearms

[5] See www.unodc.org/documents/legal-tools/Model_Law_Firearms_Final.pdf.

control regime, fostering international and regional cooperation and promoting the ratification of the Firearms Protocol. Such activities included a variety of seminars and events for government officials, industry and NGO representatives in different regions.

26. As a member of the United Nations Coordinating Action on Small Arms mechanism and its reference working group, UNODC took action to foster coordination and partnerships in the area of firearms control. UNODC participated in the development and review of international small arms control standards. The Office was also involved in expert consultations on the development of a guide for the harmonization of national legislation on firearms in West Africa.

27. UNODC contributed to the Armed Violence Prevention Programme in pilot countries, including through participation in inter-agency assessment missions to Kenya and Jamaica and data-collection activities in those countries. The Office cooperated closely with the European Union in developing a cross-regional project initiative for selected countries in South America, the Caribbean and West and Central Africa to counter illicit trafficking in firearms. Implementation started in March 2011.

D. Curbing corruption

28. At the time of reporting, there were 152 States parties to the United Nations Convention against Corruption.

29. At its third session, held in Doha from 9 to 13 November 2009, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 3/1, entitled "Review mechanism". In that resolution, the Conference adopted the terms of reference of the Mechanism for the Review of Implementation of the Convention. The guidelines for governmental experts and the secretariat in the conduct of country reviews were adopted by the Conference in its resolution 3/1 and finalized by the Implementation Review Group at its first session, held in Vienna from 28 June to 2 July 2010.

30. The States parties under review and the reviewing States parties for the first year were selected pursuant to the terms of reference, at the Group's first session and at an intersessional meeting of the Group held on 23 August 2010. The country reviews took place over the course of the following year. The process was based on a peer review conducted by two reviewing States parties, using the comprehensive self-assessment checklist as the basis for reviews. The Conference endorsed the tool at its third session and an updated version was rolled out for the second review year, addressing technical issues and taking into account the experience of States parties under review to date.

31. At its resumed first session, held in Vienna from 29 November to 1 December 2010, the Implementation Review Group recommended that States parties include in their responses to the self-assessment checklists technical assistance requirements and ongoing technical assistance projects, where applicable. The Group decided to consider priority areas for the provision of technical assistance based on the outcome of the review process and recommended that the Secretariat take into

account such priority areas in the thematic and regional programmes and the development of technical assistance tools.

32. The Group held its second session in Vienna from 30 May to 2 June 2011. It selected the reviewing States parties for the second year of the review cycle. The Group also reviewed the first year of operation of the Review Mechanism. States under review and reviewing States reported on their experience of the first year of the review process and provided guidance for the conduct of reviews in the second year. The Group considered the agenda item on related technical assistance and financial matters. A resumed second session of the Group is scheduled from 7 to 9 September 2011. The Group was briefed on preparations for the fourth session of the Conference of the States Parties to the Convention, to be held in Morocco from 24 to 28 October 2011.

33. The Open-ended Intergovernmental Working Group on the Prevention of Corruption held its first meeting from 13 to 15 December 2010 and discussed, among other things, good practices in the prevention of corruption in public procurement, methodologies for undertaking vulnerability assessments and best practices for promoting responsible and professional reporting on corruption by journalists. The next meeting of the Working Group, to be held from 22 to 24 August 2011, will focus on awareness-raising and the prevention of corruption in the public sector.

34. At its meeting on 16 and 17 December 2010, the Open-ended Intergovernmental Working Group on Asset Recovery stressed the importance of preparing States parties for the review of implementation of chapter V of the Convention and encouraged States parties to voluntarily complete the related self-assessment checklist to identify gaps and benchmark progress towards its full implementation. The Working Group recommended that the Secretariat develop, through the Stolen Asset Recovery (StAR) Initiative or other relevant initiatives, a multi-year workplan for consideration by the Working Group at its next meeting, to be held on 25 and 26 August 2011. The Working Group reiterated the need for a global network of asset recovery focal points and requested the Secretariat to continue its work on expanding the Mutual Legal Assistance Request Writer Tool, compiling asset recovery cases and building partnerships with the private sector.

35. During the period under review, UNODC provided expertise and technical assistance to support Member States in the implementation of the Convention. Anti-corruption capacity-building projects, covering preventive and enforcement aspects, were implemented in Afghanistan, Indonesia, Iraq, Nigeria and elsewhere. Technical assistance was also provided at the regional level for the Arabic-speaking countries, East and Central Africa and the Western Balkans. UNODC also provided assistance within the framework of its Anti-Corruption Mentor Programme, which is aimed at providing long-term and on-site specialized expertise to Government institutions tasked with the prevention and control of corruption.

36. UNODC was developing an anti-corruption portal called Tools and Resources for Anti-Corruption Knowledge (TRACK), a web-based platform containing the United Nations Convention against Corruption legal library, an electronic repository of Convention-related legislation and jurisprudence from over 150 States. Administered by UNODC and supported by the joint UNODC and World Bank StAR Initiative, the legal library was designed to gather, analyse and disseminate

that legal information and provide a detailed analytical breakdown of how such information relates to the Convention.

37. UNODC further strengthened its partnership with the United Nations Development Programme (UNDP) for the delivery of technical assistance for the implementation of the existing memorandum of understanding between the two organizations. Together with the Department of Economic and Social Affairs of the Secretariat, UNODC created a new category of the United Nations Public Service Awards, entitled "Preventing and combating corruption in the public service". Winners were honoured on 23 June 2011, United Nations Public Service Day. UNODC also worked closely with the International Anti-Corruption Academy, which was established as an independent international organization on 8 March 2011.

38. UNODC participated in the work of the Global Compact Working Group on the Tenth Principle focusing on the private sector's commitment to fight corruption. UNODC had, together with the Global Compact Office, developed an anti-corruption e-learning tool for the private sector, which was presented to the public on 9 December 2010 (International Anti-Corruption Day) and was available, free of charge, from both organizations' websites. With financial contributions provided through the Siemens Integrity Initiative, UNODC commenced work in support of anti-corruption efforts by the private sector in three crucial areas: reducing vulnerabilities in public procurement systems; creating legal incentives in line with the Convention against Corruption to encourage corporate integrity and cooperation with law enforcement; and developing a global outreach and communication programme for the United Nations Convention against Corruption targeting the private sector, including the development of an academic module on the Convention.

39. UNODC participated in the Council of Europe's Group of States against Corruption, the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption, the African Union Advisory Board on Corruption, the Organization for Economic Cooperation and Development (OECD) Working Group on Bribery in International Business Transactions and the OECD Development Assistance Committee Network on Governance.

E. Countering terrorism

40. The General Assembly reiterated the mandate of UNODC regarding counter-terrorism technical assistance in its resolutions 65/34, 65/221 and 65/232. Since January 2003, the Office has directly or indirectly supported 168 countries in ratifying and implementing the international legal instruments against terrorism and in strengthening national capacity for implementation. During 2010, assistance was provided to 43 countries. A total of 23 thematically focused regional and subregional workshops were also held, reaching an additional 87 countries.

41. The Office assisted in the ratification and implementation of the international instruments related to terrorism, focusing on instruments with a lower ratification rate. The Amendment to the Convention on the Physical Protection of Nuclear Material has not yet entered into force. Two new civil aviation treaties were adopted during the reporting period: the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention) and the Protocol

Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol). Once in force, those treaties would supplement the Convention for the Suppression of Unlawful Seizure of Aircraft[6] and replace the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation[7] and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.[8]

42. The Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf both entered into force in July 2010, but were lagging behind in terms of implementation.

43. In response to the increasing demand for capacity-building, UNODC offered sustained, tailor-made assistance to national criminal justice practitioners involved in the investigation, prosecution and adjudication of concrete cases; assistance for strengthening international, regional and subregional cooperation related to terrorist cases; and expertise in specialized thematic areas, including through the development of tools and substantive publications.

44. The Office enhanced the building and transfer of expertise in thematic areas, such as maritime security, chemical, biological, radiological and nuclear terrorism, countering the financing of terrorism and countering the use of the Internet for terrorist purposes. The placement of terrorism prevention experts in its field offices has enabled UNODC to work closely with local officials in designing and implementing activities.

45. UNODC engaged with national authorities responsible for drafting national counter-terrorism strategies and action plans. It developed counter-terrorism programmes for a number of countries and regions. In accordance with the United Nations Global Counter-Terrorism Strategy, all UNODC activities sought to reinforce the principle that effective counter-terrorism measures must be based on the rule of law.

46. An expert group meeting was held on the role of victims in criminal justice proceedings and methods for delivery and evaluation of training. Another expert group meeting on cash couriers was held in Vienna to address the problem of money-laundering, financing of terrorism, cash smuggling and cash couriers. In order to further regional and subregional cooperation among criminal justice practitioners, judicial platforms were established for countries of the Indian Ocean Commission and the Sahel region.

47. Important additions to the technical assistance tools developed by UNODC in 2010 included the *Digest of Terrorist Cases*,[9] the comprehensive legal training

[6] United Nations, *Treaty Series*, vol. 860, No. 12325.

[7] Ibid., vol. 974, No. 14118.

[8] Ibid., vol. 1589, No. 14118.

[9] Available from www.unodc.org/documents/terrorism/09-86635_Ebook_English.pdf.

curriculum for criminal justice officials and a permanent virtual training and communication platform.[10]

48. UNODC carried out its counter-terrorism work in close cooperation with the Counter-Terrorism Committee of the Security Council and the Counter-Terrorism Committee Executive Directorate. UNODC participated in four country visits of the Executive Directorate, to Bolivia (Plurinational State of), Brunei Darussalam, Tunisia and Yemen.

49. UNODC contributed to the work of the Counter-Terrorism Implementation Task Force by participating in the inter-agency coordination activities of the Task Force, including in its working groups. UNODC is co-chairing a Counter-Terrorism Implementation Task Force working group on tackling the financing of terrorism. Together with the Executive Office of the Secretary-General and the Counter-Terrorism Committee Executive Directorate, UNODC has been coordinating the Integrated Assistance for Countering Terrorism initiative of the Task Force, which enables partnering Member States to address their requests for strategy-related assistance to the United Nations system through a single access point. The initiative is aimed at avoiding duplication, fostering consultation and maximizing the impact of assistance delivery.

50. UNODC will explore synergies with other United Nations entities, including within the framework of the Counter-Terrorism Implementation Task Force, and work with partner entities, in order to enhance efforts towards coordination and cooperation in counter-terrorism assistance delivery and in implementation of the Global Counter-Terrorism Strategy.

III. Preventing crime and strengthening criminal justice systems

A. Crime prevention and criminal justice reform in developing, transitional and post-conflict societies

51. Through its field-office network and its regional and country programmes, UNODC has assisted developing countries, countries emerging from conflict and countries with economies in transition in preventing crime and reforming their criminal justice systems. The regional and country programmes developed by UNODC include subprogrammes on crime prevention and criminal justice issues.

52. In Africa, UNODC supported States to engage in police reform (Kenya, Mauritius, Nigeria), to promote access to justice and legal aid (Burkina Faso, Cape Verde, Ghana, Guinea-Bissau, Liberia, Mali, Mauritania, Sierra Leone, Sudan, Togo), to strengthen the judiciary (Cape Verde, Guinea-Bissau, Nigeria) and prosecution services (Kenya) and to devise responses to violence against women (South Africa). UNODC participated in the joint justice programme with UNDP and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

53. Within the framework of the Economic Community of West African States Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and

[10] See www.unodc.org/unodc/en/terrorism/technical-assistance-tools.html.

Organized Crime in West Africa, UNODC provided support through its regional programme for West Africa (2010-2014) and the West Africa Coast Initiative, aiming, inter alia, to strengthen criminal justice in post-conflict countries (Guinea-Bissau, Liberia, Sierra Leone, Côte d'Ivoire).

54. In Asia, UNODC provided legislative assistance, capacity-building for lawyers and juvenile justice-related assistance in Afghanistan. Programmes were implemented on police reform in Pakistan, prevention of domestic violence and legal aid in Viet Nam, juvenile justice in Cambodia and strengthening judicial integrity and capacity in Indonesia.

55. UNODC provided crime prevention and criminal justice assistance throughout Latin America, including by providing detailed assessments and studies. Crime prevention programmes for young people were developed and implemented in Ecuador, Honduras and Peru and programmes aimed at citizen security and safety audits were carried out in Brazil and Panama.

56. Assistance was also rendered to Egypt, Jordan and the Libyan Arab Jamahiriya in the Middle East and North Africa region, especially in the areas of juvenile justice, prison reform and victims of family violence. Programmes were developed in a number of other countries, including Algeria, the Sudan, the Syrian Arab Republic, Tunisia and Yemen.

57. In the field of prison reform, technical assistance was provided to Afghanistan, Barbados, the Dominican Republic, El Salvador, Ethiopia, Ghana, Guinea-Bissau, Kyrgyzstan, Lebanon, the Libyan Arab Jamahiriya, Nigeria, Pakistan, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Sudan and Uganda, as well as in the occupied Palestinian territories. Prison reform was also part of the UNODC counter-piracy programme in Kenya, Seychelles and the Somaliland and Puntland areas of Somalia.

58. UNODC was part of the United Nations Rule of Law Coordination and Resource Group, the United Nations inter-agency Security Sector Reform Task Force and the Interagency Panel on Juvenile Justice, and collaborated with the Armed Violence Prevention Programme to meet the challenges faced by countries facing armed violence.

B. Use and application of United Nations standards and norms in crime prevention and criminal justice

59. Progress was achieved in implementing United Nations standards and norms in crime prevention and criminal justice, particularly in the areas of crime prevention, violence against women, child justice reform, legal aid and prison reform.

60. Projects for crime and violence prevention were implemented in a number of States during the reporting period. UNODC also implemented components of conflict prevention projects funded by the Millennium Development Goals Achievement Fund. Further measures included local safety audits in Colombia, victimization surveys in seven countries in Africa and civil society consultations in support of the Caribbean Community crime prevention action plan. The endorsement of the Oslo Commitments on Armed Violence was supported through

the Armed Violence Prevention Programme. UNODC launched its *Crime Prevention Assessment Tool*[11] and *Handbook on the Crime Prevention Guidelines*.[12]

61. In the area of violence against women, prevention projects were implemented in Viet Nam and the countries of the Southern Cone and Southern Africa. Revised and updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice[13] were adopted. Police training was provided for Southern African countries, based on the *Handbook on Effective Police Responses to Violence against Women*.[14] The *Gender in the Criminal Justice System Assessment Tool* was also published.

62. UNODC undertook child justice needs assessments in Ecuador, Panama and Peru, while programmes were developed and implemented in Afghanistan, Egypt, Jordan, Lebanon, the Libyan Arab Jamahiriya, Panama and the Sudan. The Office developed the *Handbook for Professionals and Policymakers on Justice Matters Involving Child Victims and Witnesses of Crime*,[15] the online training package for law enforcement professionals, social workers, prosecutors, judges, lawyers, health professionals and informal justice providers, and a draft model law and related commentary on juvenile justice.

63. In the area of access to justice and legal aid, UNODC implemented a regional project in Africa, and training sessions were conducted for defence lawyers in Afghanistan, for traditional justice leaders in Mauritania and for paralegals in Liberia, Sierra Leone and the Sudan. The Office assisted in developing guidelines and principles on access to legal aid and worked with UNICEF and UNDP on a publication on child-friendly legal aid.

64. The new United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)[16] addressed a major gap in normative coverage and development of technical assistance programmes. The Office developed a handbook on the international transfer of sentenced persons and a guidance note on civilianization of prisons.

C. Data collection, research and trend analysis

65. UNODC further developed the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The Office focused on collecting data on intentional homicide with a view to finalizing a global report on homicide in 2011. The data collected and analysed, particularly on homicides, indicate that crime is increasingly affected by transnational factors such as the global financial crisis, global drug trafficking and organized crime, in particular in regions experiencing increases in violent crime.

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[11] United Nations Office on Drugs and Crime and United Nations Human Settlements Programme, *Cross-Cutting Issues: Crime Prevention Assessment Tool* (HS/1232/09E), Criminal Justice Assessment Toolkit, No. 5 (New York, 2009).

[12] United Nations publication, Sales No. E.10.IV.9.

[13] General Assembly resolution 65/228, annex.

[14] United Nations publication, Sales No. E.10.IV.3.

[15] Ibid., Sales No. E.10.IV.1.

[16] General Assembly resolution 65/229, annex.

66. In the area of developing standards and methodologies for crime and criminal justice statistics, UNODC established a centre of excellence on statistics on governance, public safety, victimization and justice in cooperation with the National Institute of Statistics and Geography of Mexico. The centre supports countries in the Americas in improving the quality and quantity of statistics on conventional and emerging crimes. Together with the Economic Commission for Europe, UNODC worked towards the development of an international classification of crime for statistical purposes.

67. UNODC supported countries in the conduct of crime victimization surveys, including in Kenya in cooperation with UNDP. In the Western Balkans, UNODC provided technical support for improving the quality and comparability of data on crimes reported to the authorities and the conduct of household surveys on the nature and extent of corruption. The Office provided support for surveys on the integrity of civil servants in Afghanistan and Iraq. Results from corruption surveys highlight the complexity of addressing the two-way nature of corruption.

68. UNODC's work on transnational organized crime included *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*,[17] which analysed a series of transnational organized crime issues confronting the international community. In order to provide a knowledge base for regional programming, UNODC conducted regional threat assessments in Central Africa, West Africa, East Africa, South-East Asia and Central America, Mexico and the Caribbean.

69. UNODC conducted a survey of migrants smuggled from Africa to Europe under the auspices of the IMPACT project. Similar surveys in Mexico and Central America focused on the impact of the economic crisis and the evolution of the problem. UNODC also started a study on illicit capital flows emerging from transnational organized crime activities, continuing previous work on the estimation of the values of these activities and the extent to which illicit capital flows enter the international financial system.

70. UNODC started developing capacity to produce the new biennial *Global Report on Trafficking in Persons*, pursuant to the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted in 2010, and Commission on Crime Prevention and Criminal Justice resolution 20/3.

IV. Emerging policy issues

Piracy

71. In line with Commission on Crime Prevention and Criminal Justice resolution 19/6, UNODC contributed to the international response to the threat of piracy off the coast of Somalia. While focusing on Kenya and Seychelles, the Office also supported Maldives, Mauritius, the United Republic of Tanzania and Yemen. Relevant capacity-building measures included support for legal reform and ongoing trials, as well as enhancing the capacity of law enforcement, judicial bodies and prison services through technical assistance, improvements to infrastructure and the provision of essential equipment. UNODC also acted as fund manager of the Trust

[17] United Nations publication, Sales No. E.10.IV.6.

Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, established in January 2010.

72. In Somalia, UNODC implemented a programme to improve and monitor prison conditions in Puntland and Somaliland, to enable the return of convicted pirates from countries of the region to serve the remainder of their sentences. Together with UNDP, the Office continued capacity-building measures to enable Somalia to prosecute suspected pirates in line with international standards. Priorities include legal reform, support for prosecutors and the construction of new courtrooms.

73. The Commission on Crime Prevention and Criminal Justice, in its resolution 20/5, requested the Office to continue providing technical assistance for combating organized crime committed at sea and maritime piracy and to continue to brief Member States on a regular basis on the implementation of its counter-piracy programme.

Cybercrime

74. An open-ended intergovernmental expert group to conduct a comprehensive study on the problem of cybercrime held a meeting in Vienna in January 2011. The Commission on Crime Prevention and Criminal Justice, in its resolution 20/7, requested UNODC to continue to provide technical assistance to States, especially with regard to the prevention, detection, investigation and prosecution of cybercrime. In May 2011, UNODC and the International Telecommunication Union signed a memorandum of understanding to establish a general framework for collaboration in capacity-building, based on their complementary mandates, to support cybersecurity and fight against cybercrime.

Abuse and exploitation of children

75. Access to the Internet and the proliferation of new information and communications technologies have exposed children to varied and serious risks, as well as having increased the range, volume and accessibility of sexually abusive imagery, including child pornography, by fostering an environment and a market for its consumption.

76. A workshop on law enforcement cooperation in combating child pornography, organized by the institutes of the United Nations crime prevention and criminal justice programme network, was held during the twentieth session of the Commission on Crime Prevention and Criminal Justice. The Commission held its thematic discussion on "Protecting children in a digital age: the misuse of technology in the abuse and exploitation of children".

77. The Commission approved a draft resolution on prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children for adoption by the Economic and Social Council.

Countering trafficking in cultural property

78. In its resolution 2010/19, the Economic and Social Council requested UNODC to convene an expert group meeting, tasked with developing practical proposals for implementing the recommendations adopted by the expert group on protection

against trafficking in cultural property, held from 24 to 26 November 2009, while giving due attention to aspects of criminalization, international cooperation and mutual legal assistance. The meeting of the expert group is scheduled for November 2011.

79. At its twentieth session the Commission on Crime Prevention and Criminal Justice approved a draft resolution on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, for adoption by the General Assembly. In that draft resolution, UNODC was requested to further explore the development of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property, as well as examine possibilities for the collection, analysis and dissemination of data specifically addressing the relevant aspects of trafficking in cultural property.

Illicit financial flows

80. At its twentieth session the Commission on Crime Prevention and Criminal Justice approved a draft resolution on strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities, for adoption by the General Assembly. In that draft resolution UNODC was requested to continue providing technical assistance and to strengthen its cooperation with other appropriate international and regional organizations engaged in this area.

81. UNODC assisted States in the framework of the StAR Initiative. The Office distributed technical guidelines, a policy paper on politically exposed persons,[18] the *Asset Recovery Handbook: A Guide for Practitioners*[19] and the study on barriers to asset recovery,[20] developed with StAR partners. In collaboration with the Commonwealth Secretariat and the International Monetary Fund, UNODC issued model provisions for common-law countries on money-laundering, financing of terrorism, preventive measures and proceeds of crime. Within the Paris Pact Initiative, UNODC distributed a questionnaire to analyse money flows to and from Afghanistan and to determine destination and transit countries involved in the financial flows derived from Afghan opiate production and trafficking. The outcomes were presented at the Paris Pact Policy Consultative Group meeting in November 2010. UNODC is also working on a study on illicit financial flows linked to cocaine production and trafficking in West Africa, with a view to determining their possible impact on the destabilization of some regional economies.

[18] Available from www.unrol.org/doc.aspx?d=3009.

[19] Jean-Pierre Brun and others, *Asset Recovery Handbook: A Guide for Practitioners* (Washington, D.C., World Bank, 2011). Available from www1.worldbank.org/publicsector/star_site/documents/arhandbook/ar_handbook_final.pdf.

[20] Kevin M. Stephenson and others, *Barriers to Asset Recovery: An Analysis of the Key Barriers and Recommendations for Action* (Washington, D.C., World Bank, 2011). Available from http://publications.worldbank.org/index.php?main_page=product_info&cPath=&products_id=24019.

Illicit trafficking in endangered species of wild fauna and flora

82. At its twentieth session the Commission on Crime Prevention and Criminal Justice approved a draft resolution on illicit trafficking in endangered species of wild fauna and flora, for adoption by the Economic and Social Council.

83. In November 2010, UNODC, jointly with the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the World Customs Organization, the International Criminal Police Organization (INTERPOL) and the World Bank, launched the International Consortium on Combating Wildlife Crime, aimed at coordinating support for law enforcement agencies at the national, subregional and regional levels in the protection of natural resources.

84. The Consortium developed a forest and wildlife crime assessment toolkit, which was presented at a meeting of international experts, government officials and NGOs in Jakarta. UNODC also launched a programme in Indonesia to promote good governance, law enforcement and anti-corruption measures in areas affected by illegal logging.

V. Governance and financial situation of the United Nations Office on Drugs and Crime

85. The revised consolidated budget for the biennium 2010-2011 for UNODC amounted to $508.0 million, including $40.8 million from the regular budget. Voluntary contributions amounted to $467.3 million, including $20.6 million for general-purpose resources. The Office remained highly dependent on voluntary funding (about 90 per cent) and continued to require adequate, predictable and sustainable resources in order to fulfil its mandates effectively. The current funding system, however, lacks predictability and flexibility and potentially distorts programme priorities.

86. The General Assembly repeatedly expressed concern regarding the overall financial situation of UNODC.[21] In December 2009, at the time of adoption of the programme budget of the United Nations for the biennium 2010-2011, the Assembly requested the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 ensuring that the Office had sufficient resources to carry out its mandate.

87. While the issues within the mandate of the Office are high priorities for the United Nations, the General Assembly allocates to UNODC less than 1 per cent of the regular budget of the United Nations. The Office needs more adequate core funding to meet the growing demand for its services and to sustain its vital support and operational services.

88. In 2010, voluntary contributions amounting to $242.7 million were pledged — about 11 per cent more than in 2009 ($215.0 million). The distribution between programmes relating to drugs (63 per cent) and crime (37 per cent) continued its shift towards crime-related programmes. While an overall increase in voluntary funding was expected for 2010-2011, the level of core funding (general-purpose

[21] See resolutions 64/243 and 65/232.

resources) remained critically low. In view of the persisting uncertainty of future contributions to the general-purpose fund, cost-saving efforts were continued in 2010, after having been initiated in response to the sharp decline of such contributions in 2009. In 2010, the situation of the general-purpose fund improved thanks to a one-time contribution of $7 million, without which the downward trend would have continued.

89. Voluntary contributions to the activities of UNODC were provided by governments, including major, emerging and national donors; United Nations agencies; United Nations multi-donor trust funds; intergovernmental organizations, including international financial institutions; and private donors, including private sector entities and foundations.

90. UNODC experienced a marked shift in the composition of its funding. In 2010, the major donors provided 58 per cent of all voluntary funding, compared with 65 per cent in 2009, whereas emerging and national donors accounted for about 32 per cent (26 per cent in 2009). Other non-traditional donors, including United Nations entities, international financial institutions and private foundations increased their share in the overall funding of UNODC to 10 per cent.

91. At its twentieth session the Commission on Crime Prevention and Criminal Justice considered the standing open-ended intergovernmental working group on governance and finance to be a useful forum for discussion and consultation among Member States and with the Secretariat and expressed appreciation for its work. In this regard, the Commission approved for adoption by the Economic and Social Council a draft decision to renew the mandate of the working group and resolution 20/1, on recommendations of the standing open-ended intergovernmental working group.

VI. Recommendations

92. It is recommended that the General Assembly consider taking the following measures:

(a) Encourage Member States to address, as a matter of urgency, the need to provide regular, stable and adequate resources to UNODC to enable it to implement all core UNODC mandates, and to provide support in accordance with the increasing demand for technical assistance from Member States and in order to ensure the sustainability of the Office;

(b) Encourage Member States to address, as a matter of priority, the reinforcing of an improved system of governance and the provision of a stable financial base for UNODC, taking into account the business models of other intergovernmental organizations, such as the United Nations Environment Programme, and the voluntary indicative scale of assessment;

Combating transnational organized crime

(c) Encourage Member States that have not already done so to ratify or accede to the Organized Crime Convention and the Protocols thereto, to take necessary steps to ensure effective implementation of those instruments, including, if necessary, by reviewing and amending their legislation, and to take advantage of

the wide spectrum of tools and assistance offered by UNODC in the fight against transnational organized crime;

(d) Urge Member States to support the development of a mechanism or mechanisms for the review of the implementation of the Organized Crime Convention and the Protocols thereto;

(e) Encourage Member States to develop safeguards to protect children from exposure to serious risks associated with the use of the Internet and other related information and communications technologies, as well as to develop effective national measures for the prevention, investigation and prosecution of cybercrime offences, in particular in the area of child abuse and exploitation;

(f) Encourage Member States to support UNODC, together with relevant organizations and partners, in conducting a comprehensive study on the problem of cybercrime and in developing an action plan for technical assistance and sustainable capacity-building at the international level to counter cybercrime;

(g) Encourage Member States to use the United Nations Convention against Transnational Organized Crime for protection against trafficking in cultural property;

(h) Encourage Member States to use the United Nations Convention against Transnational Organized Crime as a basis for international cooperation in extradition and mutual legal assistance, and for purposes of confiscation;

(i) Encourage Member States to fully utilize the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption for preventing and combating illicit trafficking in endangered species of wild fauna and flora;

Corruption

(j) Encourage Member States that have not already done so to ratify or accede to the United Nations Convention against Corruption and to support its full implementation;

(k) Encourage Member States to maintain and strengthen the political momentum that is necessary for the Conference of the States Parties to the United Nations Convention against Corruption to continue its work in the light of its upcoming fourth session, to be held in Morocco from 24 to 28 October 2011;

(l) Encourage States parties and signatories to the Convention against Corruption to provide full support to the Review Mechanism adopted by the Conference of the States Parties;

(m) Encourage Member States to give full effect to the resolutions on preventive measures, technical assistance and asset recovery adopted by the Conference of the States Parties at its third session, and to support the work carried out by its working groups;

Terrorism

(n) Sustain assistance to countries, upon request, for ratification and legislative implementation of the international legal instruments against terrorism, and increase efforts relating to instruments with a lower ratification rate;

(o) Reinforce the efforts to meet increased demand for capacity-building, including through tailor-made assistance and enhanced expertise-building in specific thematic areas;

(p) Invite Member States to provide further guidance concerning the involvement of UNODC in the work of the Counter-Terrorism Implementation Task Force;

Crime prevention and criminal justice reform in developing, transitional and post-conflict societies

(q) Continue to accord high priority to the use and application of the United Nations standards and norms in crime prevention and criminal justice and encourage the development of new standards and norms on emerging practices in crime prevention or criminal justice, as well as the development of practical guidelines for their use and application;

(r) Recommend that Member States:

(i) Adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection, focusing on all sectors of the justice system, as well as informal justice mechanisms, while taking into account that the results and impact of such reform efforts will be visible only after several years of sustained effort;

(ii) Develop crime prevention policies, strategies and programmes that are based on an understanding of the root causes of crime, respond to the concerns of citizens and build on the capacities and resources that are available, on the basis of a strategy that relies on various elements, including the criminal justice system, social development, health, education and other relevant sectors, civil society and the business sector, in line with United Nations guidelines;

(iii) Build national and regional efforts in crime prevention and criminal justice reform on international standards, including human rights treaties and relevant United Nations standards and norms, and make use of tools and handbooks developed by UNODC for that purpose;

(iv) Continue supporting the work of UNODC in the area of crime prevention and criminal justice, as a prerequisite for fighting organized crime, corruption and terrorism, with a particular focus on post-conflict and transitional countries, and as a cornerstone in the advancement of the rule of law and human rights;

(s) Request UNODC to continue to provide technical assistance to Member States, in particular to developing, transitional and post-conflict countries, in the areas of crime prevention and criminal justice;

Data collection, research and trend analysis

(t) Encourage Member States to undertake and support, in cooperation with UNODC and other relevant organizations, collaborative assessments of transnational organized crime threats;

(u) Encourage Member States to support and to contribute to the preparation of the biennial *Global Report on Trafficking in Persons* of UNODC;

(v) Encourage Member States and UNODC to continue to collect and report both survey-based and administrative data on crimes of a hidden nature, including corruption and organized crime, and to further disaggregate currently available data in order to describe the typology and circumstance of crime events;

(w) Encourage Member States and UNODC to promote the analysis of the relationship between crime levels and underlying or associated factors, such as economic indicators, and share high-frequency, timely data to enable the early identification of emerging trends.